THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.18182 of 2007
Date: 10-10-2007

Between:
Smt. Bushra Begum and others

Petitioners

And

Director General of Police, Basheerbagh, Hyderabad, A.P.
and others

Respondents

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No. 18182 of 2007

ORDER:

1. The petitioners assert that they have acquired valid title to a certain parcel of land situated at Bandlaguda Village, Hyderabad. It is also set out that against certain third parties, whose interference with their right to property was found objectionable, the petitioners have instituted proceedings in civil suit O.S.No.86 of 2007 on the file of the II Additional Chief Judge, City Civil Court, Hyderabad.

2. They also assert that an injunction restraining the parties therein was passed on 01-03-2007 in I.A.No.832 of 2007. It is also set out that certain third parties have also instituted another civil suit O.S.2109 of 2006 and the said civil suit was also pending. When the local Police suspect that the rival claims to the property is likely to threaten or breach the peace of the locality, a Crime No.388 of 2006 was registered under Section 145 of the Cr.P.C. But however, the Special Executive Magistrate, declined to entertain the said proceedings as the dispute between the parties was pending before the civil court and the said subject matter should not be made consideration of the proceedings under Section 145 Cr.P.C. The petitioners but nonetheless assert that the respondents 1 to 5 and in particular the 5th respondent-Inspector of Police, Chandrayangutta, Hyderabad, has been pressurizing the petitioners to enter into a compromise with the third parties and is also pressurizing them to withdraw the civil suit filed

against the third parties. In those set of circumstances they have prayed for directions to the respondents 1 to 5 not to interfere with the rights of the petitioners in their properties situated at Bandlaguda village.

3. The Inspector of Police, Chandrayangutta had filed his detailed counter affidavit and he has emphatically denied the averments and assertions of the writ petition in the following manner:

> "The allegation of the petitioners that at the instance of the third parties, this respondent and staff started interfering with their civil rights over the properties is false and hence denied. The further allegation of the petitioners that the respondent Police have been pressurizing the petitioners to compromise or withdraw the civil suits filed by them is false and invented for the purpose of this writ petition. The allegation of the petitioners that this respondent and staff have been proclaiming to give protection to the 3rd parties is false and hence denied. The allegation of the petitioners that at the instance of the third parties, this respondent and staff have been trying to interfere with their rights and threatening to dispossess them from their lands is false, baseless and hence denied."

4. The tenor of the counter affidavit filed by the Inspector of Police clearly signifies that the local Police are conscious of the respective rights of the parties and the pending civil litigation amongst them. It is therefore only appropriate that the respondents 1 to 5 should not interfere with the rights of the respective parties and that they must be left to be determined by the appropriate civil courts. Until and unless any crime is reported, or registered against the petitioners, the petitioners shall not be unnecessarily called to appear before the local Police and the local Police should stay away from interfering in any manner with the right of the petitioners to peacefully enjoy and hold their properties.

5. With this, the writ petition stands disposed of. No order as to costs.

NOOTY RAMAMOHANA RAO,J

10-10-2007
Stp